

Remarks

Claims 1, 5-7, 9, 15 and 16 are now pending in this application. Applicant has added new claims 15 and 16 to clarify the present invention. Applicant respectfully requests favorable reconsideration of this application.

The Examiner rejected claims 1, 2, 7, and 9 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 4,319,528 to Gutridge et al. The Examiner rejected claims 3-6 under 35 U.S.C. § 103(a) as being unpatentable over Gutridge et al. in view of U.S. Patent 4,238,550 to Burgess et al.

Gutridge et al. does not disclose the present invention since, among other things, Gutridge et al. does not disclose an attaching member included in a wall supporting beam element. Rather, an attaching member 76 is a separate part that is attached with screws 77. The screws require holes pre-drilled at defined locations (col. 4, lines 50-53). In fact, a number of components in the structure disclosed by Gutridge et al. are secured with screws or rivets. These include, for example, extrusion 43 connected to a portion of stringer 13 with rivet-type fastener, bracket structure 49 connected to vertical plate 52 with bolts and nuts, extrusion 63 connected to panel support with screws, and flange 65 of cap 66 secured through extrusion 63 to panel support 62 with screws 68. All of these screws, bolts, and rivets require pre-drilling of holes. Gutridge et al. does not disclose any components that include an integral attaching member.

In view of the above, Gutridge et al. does not disclose all elements of the present invention

as recited in claims 1, 5-7 and 9. Since Gutridge et al. does not disclose all elements of the present invention as recited in claims 1, 5-7 and 9, the present invention, as recited in claims 1, 5-7 and 9, is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed invention and the reference disclosure. See *Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (C.A.F.C. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. See *Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

Gutridge et al. does not suggest the present invention since, among other things, Gutridge et al. does not suggest an attaching member included in a wall supporting beam element. Rather, Gutridge et al. suggests a quite different structure that requires screws or rivets. Screws and rivets require location and drilling of holes.

Burgess et al. is not related to the present invention since Burgess et al. suggests a dunnage bar. A dunnage bar is from a different technical field than the present invention, functions differently than the present invention, and has different properties and requirements than the present invention. One of ordinary skill in the art would not look to the different technical field that Burgess et al. belongs to for help in solving a problem in the technical field to which the present invention belongs. As a result, Burgess et al. is irrelevant to the present

invention.

In view of the above, the references relied upon in the office action, whether considered alone or in combination, do not disclose or suggest patentable features of the present invention. Therefore, the references relied upon in the office action, whether considered alone or in combination, do not anticipate the present invention or make the present invention obvious. Accordingly, Applicant requests withdrawal of the rejections based upon the cited references.

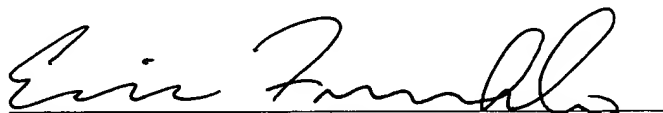
In conclusion, Applicant respectfully requests favorable reconsideration of this case and early issuance of the Notice of Allowance.

If an interview would facilitate the prosecution of this application, Applicants urge the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 19-5127, 19378.0020.

Respectfully submitted,

Date: 11-19-03



Eric J. Franklin, Reg. No. 37,134
Attorney for Applicant
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW, Suite 300
Washington, DC 20007
Telephone: 202-424-7500